REMARKS

SUMMARY

In the Office Action dated December 06, 2004, claims 1-26 were rejected under 35 U.S.C. § 102.

Applicant has amended claims 1, 8, 13, and 21. Claims 5, 9, 17, and 22 have been cancelled. No new matter has been entered. Reconsideration of pending Claims 1-4, 6-8, 10-16, 18-21, and 23-26 are respectfully requested in light of these amendments and the following remarks.

IN THE CLAIMS

Rejections Under 35 U.S.C. § 102

Claims 1-26 stand rejected under 35 U.S.C. 102 as being anticipated by European Patent Application EP 0896284 to Murashita ("*Murashita*"). In response, Applicant has amended Claims 1, 8, 13, and 21 by incorporating the limitations of Claims 5, 9, 17, and 22 respectively.

To establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the Examiner must identify where "**each and every facet of the claimed invention is disclosed in the applied reference**" *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1462 (Bd. Pat. App. & Interf. 1990), see also *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994).

<u>Claim 1</u>:

Amended claim 1 now recites a method comprising:

> receiving a plurality of constituting elements of a data structure;
> determining occurrence frequency of each unique constituting element in said data structure;
> assigning a cookie representation to each of said unique constituting elements based at least in part on the occurrence frequencies of said unique constituting elements;
> transmitting **a list** of said **unique constituting elements in the order of their occurrence frequencies** to allow a receiver of said list of said unique constituting elements to infer the corresponding cookie representations of the unique constituting elements; and
> transmitting said data structure in a representative form encoded with said cookie representations.

Amended claim 1 is patentable over *Murashita* because *Murashita* fails to anticipate at least the required operational limitation of transmitting "a list of said unique constituting elements in the order of their occurrence frequencies...."

Even assuming *arguendo* that *Marshita's* tags are the equivalent of the <u>unique constituting elements</u>, *Marashita* merely teaches of a tag counting unit 151 counting the occurrence of tags in tag holding unit 152 to create occurrence frequency information on each of the tags counted and outputting the frequency information to the decoding side. (See at least page 20, paragraph 198 and 199; and Figure 22).

However, a careful reading shows that *Marashita* does not teach or suggest "transmitting a list" of the *tags* "in the order of their occurrence frequencies" as recited in Claim 1 of the instant application. Therefore, *Marashita* fails to teach or suggest the necessary operation and limitation of transmitting "<u>a list</u> of said <u>unique constituting elements</u> in the <u>order of their occurrence frequencies</u>...." Accordingly,

for at least the foregoing reasons, Claim 1 is patentable over *Marashita*. Claims 8, 13, and 21 contains substantially similar limitations as Claim 1 and are therefore patentable over *Marashita* for at least the same reasons.

Yet another difference between *Marashita* and the instant application is illustrated by Claim 7. Claim 7 requires, *inter alia,* the necessary operational limitation of "determining occurrence frequency of each unique constituting element...including... attribute values" (hereinafter "VALUE FREQ").

Marashita merely teaches of assigning binary or hexadecimal code to "document instance data" (attribute value). However, *Marashita* does not teach or suggest "determining the frequency" of those document instance data values. (See at least page 20, paragraph 201; and Figures 13, 32 and 33). The only discussion in Marashita related to frequency is limited to teachings regarding tags. Therefore, *Marashita* fails to teach or suggest the necessary operation of VALUE FREQ. Accordingly, for at least the foregoing reasons, Claim 7 is patentable over *Marashita*.

Claims 12, 19, and 25

Claims 12, 19, and 25 contains substantially similar limitations as those described for Claim 7 and are therefore patentable over *Marashita* for at least the reasons previously presented.

Claims 8, 13, and 21

Claims 8, 13, and 21 contains substantially similar limitations as those described for Claim 1 and are therefore patentable over *Marashita* for at least the

reasons previously presented.

Claims 2-4, 6, 7, 10-12, 14-16, 18-20, and 23-26

Claims 2-4, 6, 7, 10-12, 14-16, 18-20, and 23-26 depend from Claims 1, 8,

13, and 21 incorporating their limitations, therefore for at least the same reasons,

Claims 2-4, 6, 7, 10-12, 14-16, 18-20, and 23-26 are also patentable over

Marashita.

CONCLUSION

As a result, Applicant submits that all of the pending claims are in condition

for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the

Examiner has any questions concerning the present paper, the Examiner is kindly

requested to contact the undersigned at (206) 407-1504. If any fees are due in

connection with filing this paper, the Commissioner is authorized to charge Deposit

Account No. 500393.

Respectfully submitted,
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Date: 3/7/05   by: _____
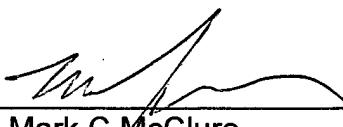
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